

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA
Wheeling**

DIETRICK LEWIS JOHNSON, SR.,

Petitioner,

v.

**CIVIL ACTION No. 5:20-CV-254
Judge Bailey**

WARDEN HUDGINS,

Respondent.

ORDER ADOPTING REPORT AND RECOMMENDATION

The above referenced case is before this Court upon the magistrate judge's recommendation that petitioner's 28 U.S.C. § 2241 petition be denied and dismissed without prejudice for lack of jurisdiction and petitioner's Motion Requesting the Court to Order a Deposition on His State Public Defender [Doc. 53] be denied as moot.

This Court is charged with conducting a *de novo* review of any portion of the magistrate judge's report to which a specific objection is registered, and may accept, reject, or modify, in whole or in part, the recommendations contained in that report. 28 U.S.C. § 636(b)(1). However, absent prompt objection by a dissatisfied party, it appears that Congress did not intend for the district court to review the factual and legal conclusions of the magistrate judge. *Thomas v. Arn*, 474 U.S. 140 (1985). Additionally, any party who fails to file timely, written objections to the magistrate judge's report pursuant to 28 U.S.C. § 636(b)(1) waives the right to raise those objections at the appellate court level. *United States v. Schronce*, 727 F.2d 91 (4th Cir. 1984), *cert. denied*, 467 U.S. 1208 (1984). No objections have been filed to the magistrate judge's report and recommendation.

A *de novo* review of the record indicates that the magistrate judge's report accurately summarizes this case and the applicable law. Accordingly, the magistrate judge's report and recommendation [Doc. 54] is **AFFIRMED**, petitioner's Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241 [Doc. 1] is **DENIED** and **DISMISSED WITHOUT PREJUDICE FOR LACK OF JURISDICTION**, and petitioner's Motion Requesting the Court to Order a Deposition on His State Public Defender [Doc. 53] is **DENIED AS MOOT**. The Clerk is **DIRECTED** to **STRIKE** the above-styled case from the active docket of this court.

It is so **ORDERED**.

The Clerk is directed to transmit copies of this Order to any counsel of record and to mail a copy to the *pro se* petitioner.

DATED: January 11, 2022.



JOHN PRESTON BAILEY
UNITED STATES DISTRICT JUDGE